United Nations A/HRC/36/G/1

General Assembly

Distr.: General
17 July 2017

Original: English

Human Rights Council
Thirty-sixth session
11-29 September 2017
Agenda item 6
Universal periodic review

Letter dated 26 April 2017 from the Permanent Representative of Mauritius to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to attach herewith a communication from the Government of the Republic of Mauritius on the national report submitted by the United Kingdom of Great Britain and Northern Ireland in connection with its universal periodic review, to be held on 4 May 2017 (see annex).

I would be grateful if the present letter and the annex thereto* could be circulated as a document of the thirty-sixth session of the Human Rights Council.

(Signed) I. Dhaliwal

Ambassador, Permanent Representative

* Reproduced as received, in the language of submission only.

GE.17-11998(E)

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Annex to the letter dated 26 April 2017 from the Permanent Representative of Mauritius to the United Nations Office at Geneva addressed to the President of the Human Rights Council

The Government of the Republic of Mauritius wishes to refer to the national report submitted by the United Kingdom of Great Britain and Northern Ireland in connection with its universal periodic review to be held on 4 May 2017 (A/HRC/WG.6/27/GBR/1) and in particular, paragraph 98 thereof.

The Government of the Republic of Mauritius reiterates that the Chagos Archipelago, including Diego Garcia, has always formed and continues to form an integral part of the territory of the Republic of Mauritius. Although the Republic of Mauritius has sovereignty over the Chagos Archipelago, it is being prevented from exercising its rights over the Chagos Archipelago because of the unlawful control of the United Kingdom over the Archipelago.

The Government of the Republic of Mauritius reaffirms that it does not recognise the so-called "British Indian Ocean Territory" which the United Kingdom purported to create by illegally excising the Chagos Archipelago from the territory of Mauritius prior to its accession to independence. This excision was carried out in violation of international law and of United Nations General Assembly Resolutions 1514 (XV) of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967.

Two members of the Arbitral Tribunal constituted under Annex VII to the United Nations Convention on the Law of the Sea in the case brought by the Republic of Mauritius in December 2010 against the United Kingdom to challenge the legality of the 'marine protected area' purportedly established by the United Kingdom around the Chagos Archipelago, found that the excision of the Chagos Archipelago from Mauritius shows "a complete disregard for the territorial integrity of Mauritius by the United Kingdom", in violation of the right to self-determination. This finding has not been contradicted by the other members of the Arbitral Tribunal.

The illegal excision of the Chagos Archipelago from the territory of Mauritius also involved the shameful eviction by the United Kingdom of the Mauritians who were residing at the time in the Chagos Archipelago ("Chagossians") in total disregard of their human rights. Most of the Chagossians were moved to the main Island of Mauritius.

The Republic of Mauritius is the only State which has the lawful authority to determine issues relating to the Chagos Archipelago. The Republic of Mauritius does not recognise the legality of any acts that the UK has purported, or is purporting, to take in respect of the Chagos Archipelago as they are in breach of international law.

The Government of the Republic of Mauritius has strongly condemned the decision purportedly taken by the Government of the United Kingdom in November 2016 with regard to resettlement in the Chagos Archipelago.

The Government of the Republic of Mauritius reiterates that the failure of the United Kingdom to complete the decolonisation process of the Republic of Mauritius and the denial of the right of Mauritians, particularly those of Chagossian origin, to settle in the Chagos Archipelago are manifest breaches of international law and blatant violations of human rights.

The Government of the Republic of Mauritius further reaffirms that no amount of monetary inducement by the Government of the United Kingdom can make lawful that

which is patently unlawful, or limit the rights of the Republic of Mauritius under international law and as reflected in the various resolutions of the United Nations.

The Government of the Republic of Mauritius remains fully sensitive to the plight of the former inhabitants of the Chagos Archipelago who were forcibly removed by the United Kingdom from the Chagos Archipelago, and is committed to ensuring their well-being. The Government of the Republic of Mauritius also supports their legitimate claim, as Mauritian citizens, to be resettled in the Chagos Archipelago. Once the Republic of Mauritius is able to effectively exercise its sovereignty over the Chagos Archipelago, Mauritian citizens of Chagossian origin who choose to return to the Chagos Archipelago will be able to do so and live there in full respect of all their rights and dignity.

The Government of the Republic of Mauritius is determined to relentlessly pursue its initiatives in conformity with international law to complete the decolonisation process of the Republic of Mauritius, thereby enabling the Republic of Mauritius to effectively exercise its sovereignty over the Chagos Archipelago.